

40. (New) A formulation according to claim 38 wherein said penetration enhancer is a fatty acid, bile salt, chelating agent, surfactant or non-chelating non-surfactant.

41. (New) A formulation according to claim 39 wherein said penetration enhancer is a fatty acid, bile salt, chelating agent, surfactant or non-chelating non-surfactant.

42. (New) A formulation according to claim 33 wherein said formulation comprises saline solution.--

REMARKS

After entry of the present amendment, claims 31-42 will be pending. Support for the new claims can be found in the claims as originally filed.

Claims 1, 3, 8-12 and 14-15 are rejected under 35 U.S.C. §102(e) for alleged anticipation by U.S. Patent No. 5,843,738 to Bennett et al (hereinafter "Bennett 738"). These claims have been canceled herein by Applicants solely to advance prosecution of this application, thus technically rendering the rejection moot. Nevertheless, Applicants respectfully point out that Bennett 738 does not disclose (or suggest) the use of enema formulations comprising the antisense oligonucleotide of SEQ ID NO: 1, as is recited in the present claims. Accordingly, Applicants believe the present claims to be patentable over this reference, and therefore request withdrawal of the rejection.

Claims 1-15 and 32 are rejected under 35 U.S.C. §102(e) for alleged anticipation by U.S. Patent No. 6,096,722 to Bennett et al. (hereinafter "Bennett 722"). These claims also have been canceled herein by Applicants solely to advance prosecution of this application, thus also technically rendering this rejection moot. Nevertheless, Applicants respectfully point out that the Bennett 722 reference is not properly applied against the present claims. The Bennett 722 reference has a filing date of May 27, 1998, whereas the present application claims benefit of prior application Ser. No. 09/082,624 ("the 624 application"), which was filed May 21, 1998.¹

¹ Both the declaration filed by Applicants on May 3, 2002, in connection with the 624 application, and the

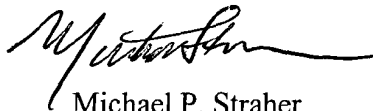
The 624 priority application discloses enema formulations comprising an oligonucleotide of SEQ ID NO: 1, at, for example page 81. Thus, the Bennett 722 reference is not properly applied against the claims as amended. Accordingly, Applicants respectfully request withdrawal of the rejection.

Claims 27-29 are rejected under 35 U.S.C. §102(e) for alleged anticipation by U.S. Patent No. 5,877,162 to Werner et al. (hereinafter "Werner"). Inasmuch as the Werner reference does not disclose or suggest enema oligonucleotide formulations comprising oligonucleotides of SEQ ID NO:1, the present claims are not anticipated by this reference. Accordingly, Applicants respectfully request withdrawal of the rejection.

Claim 30 is rejected under 35 U.S.C. §102(e) for alleged anticipation by U.S. Patent No. 5,846,525 to Manair et al. (hereinafter "Manair"). Inasmuch as the Manair reference does not disclose or suggest enema oligonucleotide formulations comprising oligonucleotides of SEQ ID NO:1, the present claims are not anticipated by this reference. Accordingly, Applicants respectfully request withdrawal of the rejection.

Applicants assert that the claims are in condition for allowance, and respectfully request notification to that effect. Should the Office have any questions, Applicants invite the Office to contact the undersigned at (215) 665-5548 to discuss any issued unresolved by this Preliminary Amendment. A Notice of Allowance is earnestly solicited.

Respectfully submitted,



Michael P. Straher
Registration No. 38,325

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filing receipt of the 624 application, list the filing date as May 31, 1998. This typographical error is currently being corrected by Applicants. Copies of the return postcard evidencing mailing of the 624 application the Office on May 21, 1998 is provided herewith for the Examiner's convenience.

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PATENT

Cozen O'Connor
1900 Market Street
Philadelphia, PA 19103
(800) 523-2900